

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MYNOR ABDIEL TUN-COS, *et al.*

Plaintiffs,

v.

B. PERROTTE, *et al.*,

Defendants.

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Civil Action No. 1:17-cv-943

**REPLY IN SUPPORT OF DEFENDANTS’ EMERGENT MOTION TO STAY
PROCEEDINGS PENDING DEFENDANTS’
APPEAL OF THIS COURT’S APRIL 5, 2018 ORDER**

Resolution of Defendants’ motion is straightforward. As Plaintiffs correctly concede, once Defendants file a notice of appeal regarding qualified immunity, “jurisdiction over this issue will pass to the Fourth Circuit.” Dkt. #55 at 1 (citing *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam)). Defendants will file a notice of appeal immediately. That “divests the district court of its jurisdiction.” Dkt. #55 at 1.

Plaintiffs’ opaque allusion to possibly filing “a further response to the Motion upon review of the notice,” *id.* at 2, will be moot once Defendants file that notice because, as Plaintiffs concede, this Court will no longer retain jurisdiction over the matter appealed. *Id.* Defendants will file a notice appealing the Court’s denial at the motion-to-dismiss stage of their qualified immunity defense as to all claims against them, and any other appropriate antecedent issue. Because qualified immunity is meant to protect a defendant from pretrial procedures and discovery, *see Jenkins v. Medford*, 119 F.3d 1156, 1159 (4th Cir. 1997), that appeal will divest this Court of jurisdiction over all pretrial matters.

Accordingly, upon Defendants' filing of their notice of appeal, stay of all proceedings in this Court is warranted.

DATED this 20th day of April, 2018.

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

TRACY DOHERTY-McCORMICK
Acting United States Attorney
Eastern District of Virginia

C. SALVATORE D'ALESSIO, Jr.
Acting Director, Torts Branch

MARY HAMPTON MASON
Senior Trial Counsel

/s/

DENNIS C. BARGHAAN, JR.
Deputy Chief, Civil Division
Assistant U.S. Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3891
Fax: (703) 299-3983
E-Mail: dennis.barghaan@usdoj.gov

Paul E. Werner
Trial Attorney
Civil Division, Torts Branch
P.O. Box 7146 Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 616-4152
Fax: (202) 616-4134
E-Mail: paul.werner@usdoj.gov

Attorneys for the Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of this filing to:

Simon Y. Sandoval-Moshenberg
VA Bar No. 77110
Nicholas Marritz
VA Bar No. 89795
Legal Justice Aid Center
6066 Leesburg Pike, Suite 520
Falls Church, VA 22041
Telephone: (703) 720-5605
E-Mail: simon@justice4all.org; nicholas@justice4all.org

Daniel E. Johnson
VA Bar No. 88696
Mark H. Lynch (*pro hac vice*)
Jose E. Arvelo (*pro hac vice*)
Brandon H. Johnson (*pro hac vice*)
Daniel T. Grant (*pro hac vice*)
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
Telephone: (202) 662-5224
E-Mail: dejohnson@cov.com

/s/

DENNIS C. BARGHAAN, JR.
Deputy Chief, Civil Division
Assistant U.S. Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3891
Fax: (703) 299-3983
E-Mail: dennis.barghaan@usdoj.gov